

INSTRUCTIONS

The information that you provide in this questionnaire will be used by the Court and the parties to select a qualified jury in this case; that is, a jury that can render a verdict fairly and impartially based upon the evidence offered at trial. Both parties are entitled to a fair and impartial jury. This questionnaire and the jury selection process that we are about to begin is not meant to be intrusive; rather, it serves the important function of ensuring that a fair and impartial jury is selected to hear and decide this case.

It is very important that you answer these questions as completely and accurately as you can. Please write legibly and answer the questions as candidly as possible. There are no right or wrong answers to these questions. Honesty and candor are of the utmost importance. You have taken an oath promising to give truthful answers. The integrity of the process depends upon your truthfulness.

Please bear the following instructions in mind:

Do not consult, confer or talk with any other person in completing this questionnaire.

Please complete all answers in ink.

If you are unable to answer a question because you do not understand the question, please write "Do not understand" in the space after the question. Do not ask anyone, including court personnel, for clarification or assistance.

If you are unable to answer a question because you do not know the answer, please write "Do not know" after the question.

If you believe that your response to a particular question is of a sensitive or private nature and request that your response not be made public, please write the number of that question where indicated at the end of this questionnaire. Alternatively, if you would prefer not to write an answer to a particular question because of the sensitive or private nature of your response, please write "Private" after the question. The Court may still need to inquire about the topic, but will endeavor to do so bearing your concerns in mind.

Please do not write on the back of any page. Use the blank space on the final page of this form to continue any answers for which you ran out of room in the space provided right after the question. When using this space, please include the number of the question(s) you are answering and the page number for that question.

You will be permitted to leave for the day when you have completed the questionnaire. Do not discuss any of the questions or your answers on this questionnaire with anyone, including members of your family, co-workers or other potential jurors. If anyone approaches you and attempts to discuss any aspect of this questionnaire, the jury selection process or any aspect of this case, you may not answer their questions.

Do not discuss anything about this case with anyone and do not read, listen to or watch anything relating to this case. Until you are excused as a potential juror, or, if you are selected as a juror, you may not discuss this case or allow yourself to be exposed to any discussions of this case in any format until the trial is over.

When you have completed the questionnaire, please sign it, affirming the truth of your answers and confirming that you had no assistance in completing it.

As explained by the Court, you will receive further instructions about whether you need to return for the next phase of jury selection by calling the juror information line on Tuesday, May 6, 2014 any time after 6 p.m. and entering your nine-digit participant number.

The Court thanks you for attention and willingness to serve as a juror, an important duty of citizenship in our democracy.

PRELIMINARY INFORMATION

Name: _____

Address: _____

The Court and the parties estimate that, after a jury is selected, this case will last approximately two months. Each trial day will begin at 9 am. On most days, trial will end at 1 pm, at which time you will be free to leave. On certain Mondays the schedule may be altered where the trial day will start at 10:00 a.m. and end at 2:00 p.m. The Court will not sit on Thursday, May 22, Friday, May 23, Monday, May 26, Tuesday, May 27 and Wednesday, May 28. Once the jury has begun its deliberations, jurors will be expected to spend 8 hour days in the court house. The Court is well aware that this is a demanding schedule. However, in fairness to all involved in this important process, the Court will only excuse someone from jury duty for the most compelling reasons. That is, answering "yes" to the following question will not necessarily result in the Court allowing you to be excused from service.

1. Do you wish to apply to the Court to be excused on the ground that jury service would be a serious hardship?

☐ YES☐ NO

If yes, briefly explain the hardship: _____

REGARDLESS OF YOUR ANSWER TO THE PREVIOUS QUESTIONS, PLEASE COMPLETE THE REST OF THE QUESTIONNAIRE.

2. Do you have any difficulty reading or understanding English?

☐ YES☐ NO

3. Are you currently taking any medications that might interfere with your ability to concentrate?

☐ YES

☐ NO

If yes, please explain. _____

4. Do you have any problem with your vision or hearing or any other medical problem or issue that would make it difficult or impossible for you to serve as a juror in this case?

☐ YES

☐ NO

If Yes, please explain. _____

5. Do you have any religious, moral or philosophical beliefs that would make it difficult for you to sit in judgment of another person in a court of law?

☐ YES

☐ NO

If Yes, please explain. _____

6. Are you:

☐ Female

☐ Male

7. What is your age?

☐ 19-24

☐ 25-34

☐ 35-44

☐ 45-54

☐ 55-64

☐ 65 or older

8. How long have you lived at your current address? _____. If less than five years, what other cities and towns have you lived in?

Location:

Dates lived there:

9. What is your current marital status?

- ☐ Never married
- ☐ Married/partnered once
- ☐ Married/partnered more than once
- ☐ Divorced/separated
- ☐ Widowed

10. What is your highest completed level of education?

- ☐ Less than high school
- ☐ High school graduate/GED
- ☐ Technical/trade school
- ☐ Some college/junior college degree (A.A.)
- ☐ Bachelor's degree
- ☐ Master's or doctoral degree

11. What is your current employment status?

- ☐ Full time
- ☐ Part time
- ☐ Retired and not working
- ☐ Homemaker
- ☐ Disabled
- ☐ Unemployed, looking for work
- ☐ Unemployed, not looking for work

12. If you are currently married/partnered, is your spouse/partner employed outside the home?

- ☐ Yes, Full Time
- ☐ Yes, Part Time
- ☐ No
- ☐ Not applicable

EMPLOYMENT AND MANAGERIAL EXPERIENCE**13. Name and location of your current or most recent employer:**

Company: _____ Location: _____

14. Please describe what you do in your current job, or if not working, what you did in your most recent job.

Job Title: _____

Description of Responsibilities: _____

15. How long have you held/did you hold this job and work for this company?

_____ years at job; _____ years at company

16. Name and location of spouse/partner's current or most recent employer:

Company: _____ Location: _____

17. Please describe what he or she does in their current job, or if not working, in their most recent job.

Job Title: _____

Description of Responsibilities: _____

18. How long has he or she held/did this job and work for this company?

_____ years at job; _____ years at company

19. As part of a job, have you or your spouse/partner ever participated in the process of supervising, hiring or firing employees?☐ YES, me☐ YES, my spouse/partner☐ YES, both me and my spouse/partner☐ NO**20. Have you or your spouse/partner ever been responsible for making final decisions on hiring or firing employees?**

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

21. Have you or your spouse/partner ever belonged to a labor union?

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

22. Have you ever felt that you or your spouse/partner was not hired for a job that you or s/he deserved?

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

If YES, please explain: _____

ARGUMENT: The defendants' believe that this is an appropriate and essential question in light of the issues in this case since a person who felt that they did not get hired for a position they deserved may be unable to fairly and impartially view the evidence in this case.

23. Have you or your spouse/partner ever participated in a job search or hiring process that you thought was unfair?

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

If YES, please explain: _____

ARGUMENT: The defendants' believe that this is an appropriate and essential question in light of the issues in this case which have the fairness of probation hiring is a core issue.

24. Have you ever filed a formal grievance against an employer?

☐ Yes

☐ No

25. If yes, how do you feel about the way it was resolved?

☐ Very satisfied

☐ Somewhat satisfied

☐ Somewhat dissatisfied

☐ Very dissatisfied

☐ Does not apply; I have never filed a grievance against an employer.

ARGUMENT: The defendants' believe that this is an appropriate and essential question in since there will be testimony that some job applicants who were passed over filed a grievance. A prospective juror who was aggrieved by the grievance process may be unable to fairly and impartially view the evidence in this case.

Please tell us your reaction to each of the following statements:

26. Employees who don't get ahead often blame others for their problems rather than take responsibility for their own actions.

☐ Strongly Agree

☐ Somewhat Agree

☐ Somewhat Disagree

☐ Strongly Disagree

ARGUMENT: The defendants' believe that this is an appropriate and essential question since a prospective juror's views of hiring and promotion bear directly upon their ability to view the evidence fairly and impartially in this case.

27. It is often hard for qualified people to get jobs and promotions they deserve because connections matter more than talent and hard work.

☐ Strongly Agree

☐ Somewhat Agree

☐ Somewhat Disagree

☐ Strongly Disagree

ARGUMENT: The defendants' believe that this is an appropriate and essential question since a juror who was predisposed to believe that hiring and promotions were inherently unfair would be biased against the defendants and would be unable to fairly and impartially view the evidence in this case.

EXPERIENCE WITH LOCAL, STATE AND FEDERAL GOVERNMENT

28. Have you, or someone close to you, ever worked for any of the following? (Please check all that apply):

EMPLOYER	Yes, Me	Yes, Someone close to me	No	If YES, please explain circumstances
A branch of the US Military				
Local, state or federal Law Enforcement				
Corrections, probation or parole				
The government of the Commonwealth of Massachusetts				
The government of the United States				
The state or federal court system				
A Massachusetts State Senator or Representative				
A US Senator or Representative				
A law firm				

The Human Resources Department of any company or agency				
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**29. Have you, or someone close to you, ever *applied* for a position at any of the following?
(Please check all that apply):**

EMPLOYER	Yes, Me	Yes, Someone close to me	No	If YES, please explain circumstances
Local, state or federal Law Enforcement				
Corrections, probation or parole				
The government of the Commonwealth of Massachusetts				
The government of the United States				
The state or federal court system				

30. Have you or your spouse/partner ever contributed to, volunteered for, been employed by, or raised money for a local, state, or federal political campaign or organization?

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

If YES, please briefly describe your involvement or that of your spouse/partner?

31. Have you or your spouse/partner ever contacted a local, state, or federal legislator or politician?

- ☐ YES, me
- ☐ YES, my spouse/partner
- ☐ YES, both me and my spouse/partner
- ☐ NO

If YES, please describe the circumstances?

32. The United States of America is one of the litigants in this trial. You will hear the United States referred to throughout the trial as the government. Have you, or anyone close to you, ever engaged in litigation with the federal government, that is, ever filed a claim, a complaint, or a lawsuit against the United States or any of its agencies, officers, or employees, or answered some charge or claim made against you by the federal government?

- ☐ YES, me
- ☐ YES, someone close to me
- ☐ YES, both me and someone close to me
- ☐ NO

If YES, please describe the circumstances?

33. Have you, or anyone close to you, ever had any other dealings with the federal government or any of its agencies, officers, or employees that left you with negative feelings about the government or agency?

- ☐ YES, me
- ☐ YES, someone close to me
- ☐ YES, both me and someone close to me
- ☐ NO

If YES, please describe the circumstances?

34. Are you aware of any prejudice that you may have against the government, or any negative experience with the government that would in any way impair your ability to evaluate and judge fairly and impartially the facts of this case?

- ☐ YES, me

☐ NO

If YES, please describe your concerns?

35. There may be testimony in this trial by one or more federal investigators who work for the Federal Bureau of Investigation (FBI). Have you, or anyone close to you, ever had involvement of any sort with the FBI?

☐ YES, me

☐ YES, someone close to me

☐ YES, both me and someone close to me

☐ NO

If YES, please describe the circumstances?

36. Have you, or anyone close to you, ever filed a lawsuit, a complaint, or a claim of any kind against any police or other law enforcement officer?

☐ YES, me

☐ YES, someone close to me

☐ YES, both me and someone close to me

☐ NO

If YES, please describe the circumstances?

37. Are you aware of any prejudice that you may have against the FBI, or any negative experience with the FBI or any other police department that would in any way impair your ability to evaluate and judge fairly and impartially the facts of this case?

☐ YES, me

☐ NO

If YES, please describe your concerns?

38. The Court will instruct the jury in this case that, under Massachusetts and federal law, it is legal and proper for state or federal legislators, judges, or other politicians to provide employment recommendations on behalf of qualified applicants for

government jobs. Do you have an opinion about this practice that you are concerned might make it difficult for you to remain impartial in this case?

☐ YES

☐ NO

If yes, please explain your concerns: _____

ARGUMENT: The defendants' believe that this is an appropriate and essential question in light of the issues in this case since it would be inarguably wrong to convict the defendants merely because legislators, judges or other politicians made recommendations or merely because those recommendations were factored into hiring decisions. This question is designed to identify a prospective juror who is biased against that concededly lawful process and would, therefore, be unable to fairly and impartially view the evidence in this case.

39. How well do you understand the term "political patronage"?

☐ Understand and can explain to others

☐ Understand but cannot explain to others

☐ Don't understand

ARGUMENT: The defendants' believe that this is an appropriate and essential question in light of the issues in this case. This term will be widely used. The government concedes that patronage hiring is lawful and not criminal. A core issue in the case is whether the defendants substantially exceeded the bounds of lawful patronage hiring. The prospective jurors understanding of this term is essential to identifying whether they can fairly and impartially view the evidence in this case. this phrase is which have the fairness of probation hiring is a core issue.

40. Have you or your spouse/partner ever requested a recommendation from a local, state, or federal legislator or politician, or received help from such an official in securing a job?

☐ YES, me

☐ YES, my spouse/partner

☐ YES, both me and my spouse/partner

☐ NO

If YES, please describe the assistance this official provided and what was the result.

41. Do you have any opinions regarding political influence in government hiring?

☐ YES

☐ NO

If yes, please explain your opinions: _____

EXPERIENCE WITH THE JUDICIAL SYSTEM

42. Have you, or someone close to you, ever participated in the legal system in any of the following ways? (Please check all that apply):

	Yes, Me	Yes, Someone close to me	No	If YES, please explain circumstances
Been arrested or questioned as a suspect				
Testified as a witness in court or given a sworn statement or deposition				
Been the victim of a crime				
Filed a lawsuit as a plaintiff				
Been sued as a defendant in a lawsuit				
Served as a juror in a criminal case				
Served as a juror in a civil case				
Served as the foreperson of a jury				
Served as a grand juror				
Been convicted of a crime				
Been incarcerated in a state or federal penitentiary				
Been on Parole				
Served Probation				

43. The prosecution has the burden of proving that the defendant is guilty beyond a reasonable doubt. A defendant does not have to prove that he is innocent. Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: The blue highlighted section is designed to insure that prospective jurors are able to apply the standard of proof beyond a reasonable doubt, a fundamental principle in insuring a fair trial.

44. The fact that a person has been *charged* with a crime should have no impact on a juror's evaluation of whether the prosecution has proved its case beyond a reasonable doubt. Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: This question is designed to insure that prospective jurors are able to apply the presumption of innocence, another fundamental principle in insuring a fair trial.

45. The fact that a person has been *brought to trial* on a criminal charge should have no impact on a juror's evaluation of whether the prosecution has proved its case beyond a reasonable doubt. Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: This question is designed to insure that prospective jurors are able to apply the presumption of innocence, another fundamental principle in insuring a fair trial.

46. The defendant in a criminal case has an absolute right, guaranteed by the United States Constitution, not to testify in his or her own defense. Would you hold it against any of the defendants if he or she did not testify in this case?

☐ YES

☐ NO

If YES, please explain. _____

47. Several witnesses in this case have cooperated with the government in exchange for an agreement not to prosecute them. Will the fact that a witness cooperated with the government in this way cause you to either (1) automatically disregard the testimony of the witness, or (2) automatically accept as true the testimony of the witness?

☐ YES

☐ NO

If YES, please explain. _____

48. A juror who believes that a defendant is probably guilty, but also believes that the government has not proved its case beyond a reasonable doubt, should always vote "Not Guilty." Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: This question is designed to insure that prospective jurors are able to apply the standard of proof beyond a reasonable doubt, a fundamental principle in insuring a fair trial.

49. Jurors in this case will be instructed that the testimony of (1) a law enforcement officer, (2) a sitting or former representative or senator, or (3) a sitting or retired judge is to be treated the same as the testimony of anyone else. Jurors are to give neither greater nor lesser weight to the testimony based solely upon the witness's status in any of these government positions. Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: The blue highlighted section is designed to insure that a prospective juror will not automatically credit or discredit the testimony of law enforcement officers, judges or legislators. This is a critical component to assessing the suitability of a prospective juror since a large number of witnesses fit into these categories.

50. As a juror, you must follow the law, as the judge will provide it to you, in deciding this case. You must put aside any notions about what you thought the law requires or what you think the law should require and follow only the judge's instructions to you about the law. Do you disagree *in any way* with this principle or are you concerned that you might have difficulty applying this principle fairly in this case?

☐ YES

☐ NO

If YES, please explain. _____

ARGUMENT: The blue highlighted section is designed to insure that prospective jurors are able to apply the law, whether they agree with it or not.

FAMILIARITY WITH THIS CASE

John O'Brien was the Commissioner of the Massachusetts Probation Service, and Elizabeth Tavares and William Burke were two of his deputies. The Indictment alleges that the defendants committed a variety of crimes in connection with the employment and promotion of individuals based upon political connection rather than merit. The defendants state that they hired only qualified candidates, that the hiring and promotions were lawful and proper and that they committed no crime.

ARGUMENT: The blue highlighted section is designed to give a succinct, fair and balanced summary of the case as a prelude to questions about exposure to potentially disqualifying pretrial publicity. It is simply unfair to include only the government's allegation without the brief statement of the defendant's denial.

51. Do you remember reading or hearing anything about this case?

☐ YES

☐ NO

52. Prior to today, how familiar were you with this case?

☐ I had never heard of this case

☐ I recognize Mr. O'Brien's name but do not recall any details

☐ I remember the basic subject of this case but not much else

☐ I recall this case and can describe some details of what has happened so far

☐ I have followed this case fairly closely

53. Where have you read or heard about this case? Please check all that apply:

☐ Television

☐ Radio

☐ Newspaper

☐ Internet

☐ Family or friends

54. Do you have any personal knowledge of the facts or charges in this case, beyond what has been reported in the media?

☐ YES

☐ NO

If YES, please explain: _____

55. Based on what you have heard, read or seen about this case, have you formed a preliminary opinion about whether John O'Brien, Elizabeth Tavares and William Burke are guilty or not guilty of the charges?

☐ YES

☐ NO

If YES, please explain. _____

56. This case will draw a high degree of media attention. As a juror, you would be barred from reading or watching media accounts of the trial, consulting external sources, doing any research about the case, including on the internet, and discussing the case with other people in any oral, written or electronic forms. You will not be permitted to post anything about the case on social media sites, such as Twitter or Facebook. You will not be permitted to publish anything about the case on a blog or any other on-line forum. Would you be able to abide by these rules for the entirety of the trial?

☐ YES

☐ NO

If NO, please explain. _____

FINAL INFORMATION**57. Did you have any problems reading and understanding this questionnaire?**☐ YES☐ NO**If YES, please explain.** _____
_____**58. Please list the question number and page number for any questions that you chose not to answer due to privacy or sensitivity concerns.****Question #:** _____ **Page #:** _____**Question #:** _____ **Page #:** _____**Question #:** _____ **Page #:** _____**Question #:** _____ **Page #:** _____**Question #:** _____ **Page #:** _____**Question #:** _____ **Page #:** _____**59. Is there anything else that you feel is important for you to tell the judge and attorneys reflecting on your ability to serve, or affecting your ability to make fair decisions in a case like this?**☐ YES☐ NO**If YES, please explain.** _____

* * * * *

Additional Space for Response(s) to Question(s) Above**Question #** _____ **Page #** _____**Additional Response:** _____
_____**Question #** _____ **Page #** _____**Additional Response:** _____
_____**Question #** _____ **Page #** _____**Additional Response:** _____

I do hereby certify, under the pains and penalties of perjury, that I had no assistance in completing this questionnaire and the answers that I have given in this questionnaire are true and complete to the best of my knowledge and belief.

Signature _____ **Date** _____

Print Name _____

DISPUTED, OTHERWISE INCORPORATED OR REDUNDANT QUESTIONS FROM GOVERNMENT

1. Several witnesses in this case have participated in the criminal activity alleged in the indictment. Will the fact that a witness has been involved in the criminal activity alleged in the indictment cause you to automatically disregard the testimony of the witness? Can you fairly and impartially evaluate the testimony of a witness who has participated in the criminal activity alleged in the indictment? ☐ YES

☐ NO

If NO, please explain. _____

The defendants object to the wording of this question since it presupposes that the criminal activity alleged in the indictment has occurred. The defendants deny that they, or anyone else, committed crimes in relation to the allegations in the indictment. In fact, although several witnesses have non prosecution agreements and several others have been served with immunity orders obtained by the prosecution, no one other than the defendants have been prosecuted or pled guilty to any offense arising out of the facts alleged in the indictment. The wording of this question has the effect of giving the imprimatur of the Court to the basic and vehemently denied allegation that criminal conduct occurred. The issue is covered in a complete and neutral manner by question 47, above.

2. Have you, or any member of your immediate family, or anyone with whom you are close ever been arrested, or ever answered charges in a criminal proceeding? [ALREADY COVERED IN QUESTION 42 ABOVE]
3. Have you, or any member of your immediate family, or anyone with whom you are close ever been placed on either state or federal probation as part of a disposition in a criminal proceeding? [ALREADY COVERED IN QUESTION 42 ABOVE]
4. Do you believe that an FBI agent or other law enforcement officer is more or less likely to tell the truth than an ordinary citizen? [ALREADY COVERED IN QUESTION 49 ABOVE]
5. As we have discussed, some of the witnesses in this case may be members of federal law enforcement. Has anybody ever had a negative experience with a police officer or any other law enforcement officer that may cause you to be unable to fairly and impartially evaluate the testimony of the law enforcement witnesses in this case? [REDUNDANT WITH QUESTIONS 35-37 and 49 ABOVE]
6. Are there any reasons why you might not be able to be a fair and impartial juror in this case? [REDUNDANT WITH QUESTION 59 ABOVE]
7. Will you follow my instructions about the law, even if you disagree with them? [ALREADY COVERED IN QUESTION 50 ABOVE]
8. Have any jurors, their immediate family members or their close friends ever sought assistance from a public official in obtaining employment with the Commonwealth

or a private employer? [ACCEPTED AND REFORMULATED AS QUESTION 40 ABOVE]

If so, what were the circumstances?

Was he or she successful in gaining that employment?

- 9. The charts in questions 28 and 29 are acceptable, but column 3 appears redundant. There should be follow up questions for yes answers such as “in what capacity” and “when and where.” [TABLES HAVE BEEN REFORMATTED TO REMOVE REDUNDANCY AND PROVIDE SPACE FOR EXPLANATIONS OF CIRCUMSTANCES]**

On the following page is a list of the attorneys, potential witnesses, and individuals associated with this case. Please check the appropriate box if you know, have met, or have formed an opinion about any of the individuals named.

NAME	KNOW	HAVE MET	FORMED OPINION OF
Last, First			

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on April 28, 2014.

/s/ John Amabile